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CHEVRON CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re Application of:
THE REPUBLIC OF ECUADOR,

Applicant,

For the Issuance of a Subpoena for the
Taking of a Deposition and the Production
of Documents in a Foreign Proceeding
Pursuant to 28 U.S.C. § 1782

CHEVRON CORPORATION,

Plaintiff,

v.

STEVEN DONZIGER, *et al.*,

Defendant.

Case No. CV 10-80225 MISC CRB
(And All Related Cases)

Case No. CV 12-80237 MISC EJD

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

[Civ. L. R. 3-12]

A motion to quash certain subpoenas issued by Chevron Corporation (“Chevron”) was filed in this Court on Friday, October 5, 2012, as Case No. CV 12-80237 MISC (hereinafter, the “Motion to Quash”). Pursuant to Civil Local Rule 3-12, Chevron hereby identifies the following actions in this

1 Court which concern substantially the same parties, property, transaction, or events as the Motion to
2 Quash:

- 3 (1) *In re Application of Republic of Ecuador*, CV 10-80225 MISC CRB (“ROE Borja
4 1782”);
- 5 (2) *In re Application of Daniel Carlos Lusitand Yaiguaje*, CV 10-80324 MISC CRB
6 (“Yaiguaje Borja 1782”);
- 7 (3) *In re Application of Daniel Carlos Lusitand Yaiguaje*, CV 11-80087 MISC CRB
8 (“Yaiguaje Mason 1782”);
- 9 (4) *In re Application of Dr. Diego García Carrión, the Attorney General of the Republic
10 of Ecuador, and the Republic of Ecuador*, CV 11-80110 MISC CRB (“ROE Mason
11 1782”);
- 12 (5) *In re Application of Dr. Diego García Carrión, the Attorney General of the Republic
13 of Ecuador, and the Republic of Ecuador*, CV 11-80171 MISC CRB (“ROE Kelsh
14 1782”);
- 15 (6) *In re Application of Dr. Diego García Carrión, the Attorney General of the Republic
16 of Ecuador, and the Republic of Ecuador*, CV 11-80172 MISC CRB (“ROE Exponent,
17 Inc. 1782”);
- 18 (7) *Chevron Corporation v. Salazar*, CV 11-80217 MISC CRB (“Chevron Parker Motion
19 to Compel”); and
- 20 (8) *Chevron Corporation v. Salazar*, CV 11-80219 MISC CRB (“Chevron Motion for
21 Protective Order”).

22 The Motion to Quash was filed by certain defendants in *Chevron Corporation v. Steven
23 Donziger, et al.*, No. 11 Civ. 0691 (S.D.N.Y.) (“the RICO action”), and it seeks to quash third-party
24 subpoenas issued by Chevron in connection with that action. The RICO action seeks damages
25 resulting from the corruption of litigation filed by the RICO Defendants in Lago Agrio, Ecuador, and
26 related acts of extortion and fraud by a conspiracy of U.S. and Ecuadorian lawyers, funders, and
27 affiliates.

28 The eight related actions involve discovery sought pursuant to 28 U.S.C. § 1782 for use in the
Lago Agrio litigation and in an international arbitration brought by Chevron against the Republic of
Ecuador. Like the RICO action, the eight related actions are based on a single set of operative facts
and the same allegations of fraud and corruption regarding the Lago Agrio litigation. On July 28,
2011, Judge Breyer signed an order relating six § 1782 actions, including two actions initially
assigned to Judge Illston. No. CV 10-80225 MISC CRB, Docket No. 169. In September 2011,

Judge Breyer related two additional discovery motions initially assigned to Judge White (nos. 7 and 8 above) to the § 1782 actions. *See id.*, Docket Nos. 177, 180.¹

It is likely that there will be an unduly burdensome duplication of labor and expense or the risk of conflicting results if the Motion to Quash and the § 1782 actions are conducted before different Judges. *See* Civ. L. R. 3-12(a). The Lago Agrio litigation and the allegations of fraud, extortion, and racketeering regarding that litigation underlie each of the related cases and the RICO action, and the parties who filed the Motion to Quash in the RICO action also filed two of the related cases. Resolving the Motion to Quash will require an understanding of the Lago Agrio litigation, the allegations of fraud, and the evidence adduced by Chevron to date, all of which were discussed as part of the related cases. Therefore, relating this matter before Judge Breyer, who already is familiar with many of the operative facts, will conserve judicial and party resources and expedite the proceedings.

Pursuant to Civil Local Rules 3-12 and 7-11, Chevron contacted the RICO Defendants to ask if they would stipulate to relate the Motion to Quash to the § 1782 cases before Judge Breyer. RICO Defendants refused to so stipulate. *See* Declaration of Ethan D. Dettmer, filed concurrently herewith.

Dated: October 9, 2012

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Ethan D. Dettmer
Ethan D. Dettmer

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CHEVRON CORPORATION

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¹ Chevron further notes that each of the following actions “was pending in this District” (*see* Civ. L. R. 3-12(b)) but is no longer active: *Luisa Gonzalez, et al. v. Texaco, Inc, et al.*, No. CV 06-02820 WHA; *Chevron Corp. v. Christobal Bonifaz*, No. CV 09-5371 CW. These actions arose out of allegations similar to those at issue in the Lago Agrio Litigation and involved an attorney previously involved in the Lago Agrio Litigation; however, they concerned unique facts and legal issues, and the Court did not relate the later discovery actions to them.